
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

R. PAUL BUCHI,

Defendant.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:12-cr-305 CW

Judge Clark Waddoups

Franklin Portfolio Inc., as victim, moves the “court for an order requiring federal probation services to provide to victim’s counsel defendant’s current address in order to proceed with collection of the court ordered of [sic] restitution.” Request, at 1 (Dkt. No. 43). Under 18 U.S.C. § 3664(m)(1)(B), a victim has “the right to self-help in collecting restitution ordered for their benefit.” *Schultz v. United States*, 594 F.3d 1120, 1123 (9th Cir. 2010). The right, however, is limited.

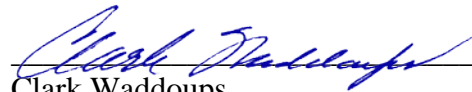
First, the victim must obtain an abstract of judgment from the clerk of the court that certifies a judgment has been entered in favor of the victim. 18 U.S.C. § 3664(m)(1)(B). The abstract must state the specific amount of restitution ordered on behalf of the victim. *Id.* Next, it must be filed in a State court where property of the defendant is located. *Id.* The abstract of judgment then acts as a lien on the property. *Id.*

Here, Franklin Portfolio has not shown that it has obtained the abstract. Nor has it shown

the nature of its collection action in Nevada. Because Franklin Portfolio is only entitled to pursue a lien against property and not any other type of collection action, until it verifies the nature of its action and that it has obtained an abstract, the court will not order Probation to release Mr. Buchi's address. Accordingly, the court DENIES WITHOUT PREJUDICE Franklin Portfolio's motion. (Dkt. No. 43).

DATED this 21st day of March, 2016

BY THE COURT:


Clark Waddoups
United States District Judge